

PROGRAM COMPLIANCE AUDIT

EAST BAY COMMUNITY RECOVERY PROJECT, INC.



Prepared by:

California Department of Corrections and Rehabilitation's
Office of Audits and Compliance
Audits Branch

September 2008

EAST BAY COMMUNITY RECOVERY PROJECT, INC.

CONTRACT NUMBER C05.003

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AUDITOR'S REPORT

Marta Rose, Associate Executive Director
East Bay Community Recovery Project, Inc.
2551 San Pablo Avenue
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Dear Ms. Rose:

The California Department of Corrections and Rehabilitation (CDCR), Office of Audits and Compliance, Audits Branch completed a program compliance audit of contract number C05.003 between East Bay Community Recovery Project, Inc. (East Bay) and the CDCR.

Under the terms of the agreement, the contractor agreed to be the sole provider of services for the Community Prison Mother Program (CPMP) in Oakland, California. The costs for these services were not to exceed the contract amount of \$3,993,376, for the five year contract term of July 1, 2005 through June 30, 2010.

The audit was conducted in accordance with Generally Accepted Governmental Auditing Standards, including tests of controls and other such auditing procedures considered necessary under the circumstances.

The scope of the audit was limited to selected program compliance activities for the fiscal year (FY) 2006/2007. Audit fieldwork was conducted during the period of August 20 through December 17, 2007.

The specific objective of the audit was to determine whether East Bay complied with the Women and Children's Service Unit's (WCSU) program directives and programming provisions of contract number C05.003.

The procedures performed in the audit included the review of programming, administration, staffing, safety, security, medical processing, and reporting requirements as stated in the contract.

The Audits Branch identified five findings and four observations in the audit report. Observations highlight certain areas that may be of interest to users of the audit report. Observations differ from audit findings in that they may not include attributes (condition, criteria, cause, effect, and recommendation) that are presented in audit findings.

Because the audit was limited to selected test periods and program activities, the Audits Branch does not express an opinion on the contractor's internal controls or contract compliance as a whole for contract number C05.003 for the contract period of July 1, 2006 through June 30, 2007.

RICHARD C. KRUPP, Ph.D.
Assistant Secretary
Office of Audits and Compliance

December 17, 2007 (last day of fieldwork)

EXECUTIVE SUMMARY

CDCR contracted with East Bay under contract number C05.003 to provide alternative prison housing and substance abuse treatment services for up to 24 women and 36 children. The CPMP's primary focus is to provide the opportunity for inmate mothers to bond with their children and strengthen the family unit. In addition to correctional services, the contract requires a structured program that addresses substance abuse issues, emotional stability, self-esteem, and employment skills.

The Audits Branch performed a program compliance audit of the contractor for the contract term of July 1, 2006 through June 30, 2007, and identified five findings and four observations. The findings and observations are summarized below and discussed in more detail in the body of the report.

FINDINGS

FINDING 1: Facility Oversight and Safety

East Bay did not properly maintain the CPMP facility that houses the women and children. As a result, the women and children were exposed to safety hazards and were temporarily transferred to other CPMP and Family Foundations Program (FFP) facilities until repairs were made. The Audits Branch identified electrical dangers, playground hazards, and unsafe living conditions, exposing staff, participants, and children to potential harm.

East Bay's Response:

"EBCRP agrees with the photos and the determination that there was not an efficient maintenance program in place. However, we disagree with the opinion that had there not been an audit, the deficiencies would not have been corrected. We were and are actively working on a maintenance program for Project Pride, and many measures had already been put in place."

OAC Comments:

Although the deficiencies noted by auditors and the Department of Alcohol and Drug Programs arose as a result of the OAC audit, and many of the deficiencies were not complex but hygienic in nature, the assertion that "Had the OAC not performed the audit, it is unlikely that the deficiencies would have been corrected" is removed.

FINDING 2: Security

East Bay's security procedures do not comply with the CDCR's and contract's security requirements. The inadequate security procedures could expose residents, visitors and/or the surrounding communities to safety and security risks. There is insufficient

supervision of visitors, poor controls over entering and exiting of the facility, and tools are not properly secured.

East Bay's Response:

The tool situation has been resolved. Article 18 is not applicable to us because the CCIII (Correctional Counselor III) is the only person that can do an unclothed search. We can place the women in CTQ until the tool is located.

OAC Comments:

OAC acknowledges the referenced section of Article 18 in the Department Operations Manual regarding unclothed body searches may not apply to the contractor. Responsibility for this action, if necessary, belongs to CDCR custody staff. However, the entire article cannot be dismissed due to one non-applicable passage. The security concept of immediate reporting, especially to the CCIII or WCSU, is the primary concern for auditors. The remaining portion of Article 18's sentence, "...and the work area shall be searched" is still applicable for the contractor.

FINDING 3: Program Records and Documentation

East Bay's documentation procedures and program records are inadequate and unreliable. This could compromise the residents' and/or the surrounding community's safety and security by resulting in inaccurate assessments of the residents' individual needs and programming progress, and causing East Bay staff to develop ineffective plans for the residents' transition into society.

EBCRP Response:

Daily count issues have been addressed and corrected.

During the chicken pox outbreak, the WCSU was notified and all movement was suspended. New residents were screened and movement was reinstated for residents with immunization or already had chicken pox.

East Bay has a Clinical Program Manager and a Quality Assurance Specialist to correct clinical activities.

Client files are stored in locked filing cabinets.

OAC Comments:

Corrective actions are noted.

OAC acknowledges the unusual nature of the chicken pox outbreak. However, OAC expresses concern over the potential misleading immunization or chicken pox history information volunteered by a resident in order to go on an outing. If a resident provided misleading information that actually carried the chicken pox virus instead, this puts the public as well as pregnant East Bay participants at great risk.

FINDING 4: Staffing and Administrative Requirements

East Bay did not comply with the contract's staffing and administrative requirements.

According to an October 18, 2007, Department of Alcohol and Drug Programs (DADP) inspection report, nine personnel files did not contain current First Aid and cardiopulmonary resuscitation (CPR) training certificates, five employees did not have a renewed tuberculosis (TB) test, and two employees' personnel records did not contain a health screening report.

There was no indication that staff received the required annual training sessions.

East Bay did not submit monthly reports to WCSU, which are necessary for program staff to be kept abreast of the critical activities in the facility.

East Bay's Response:

1. We arrange for TB and CPR/First Aid renewals when necessary.
2. EBCRP does not conduct the CDCR trainings and orientation; they are facilitated by CDCR staff. The lack of records may indicate that there has not been any recent CDCR trainings/orientation.
3. Reports are submitted to WCSU monthly by EBCRP staff.

OAC Comments:

1. Staff TB testing is required annually and should be documented. Documentation was not noted by auditors. CPR/First Aid renewals are required as frequently as the DADP policy requires and should be documented. Documentation was determined to be deficient by the DADP.
2. OAC concurs that CDCR training is the responsibility of WCSU, this finding is removed. However, a minimum of 40 hours of annual training in treatment protocols (contract C05.003, page 12) is still required.
3. OAC concurs that monthly reports are now being submitted by East Bay. The submission of the reports to WCSU began in October 2007 after the OAC audit finding. Per East Bay's comments at the exit conference, WCSU never required a monthly report prior to this date. Per WCSU's comments at the exit conference, WCSU will now use the report as a review tool.

FINDING 5: Contract Programming Requirements

At the East Bay facility, there were non-CDCR participants watching CDCR residents' children, which is a violation of the policy letter from the Chief of WCSU.

East Bay's Response:

"CPMP residents will sign a release if they consent to have Perinatal residents provide child care in the child enrichment area."

ESL classes are not required to be offered on site. Off site locations are available.

OAC Comments:

Contract C05.003, Scope of Work, D. Role of the Contractor, 1. Administrative Services, a. Program Delivery, i. states, “There is no prohibition from having non-CPMP women and children participants in the facility whose referral/funding is from an alternate source, i.e., county jails and probation, state or federal paroles. However, the services for non-CPMP participants must remain separate from CPMP participants. These services include meals, treatment services or any other related activity or service. **Any deviation from this policy must be approved by the Chief of the WCSU.**”

The policy letter from WCSU, dated October 12, 2005, from the Chief of WCSU indicates co-mingling of populations was granted. It states in part, “The delegation of child supervision appears to be a viable means to maintaining the integrity of the program. In this situation, only CPMP mothers shall be designated the responsible person to supervise another CPMP mother’s child. **In no circumstances shall non-CDCR mothers supervise a CDCR mother’s child, and visa versa.**”

Having CPMP residents sign a release if they consent to have Perinatal residents provide child care in the child enrichment area appears to be a sound practice. However, East Bay must have WCSU’s approval to co-mingle populations and services. Failing to obtain WCSU’s approval is a violation of both the contract and WCSU’s policy letter to East Bay disallowing this practice.

Because ESL classes are offered off site, East Bay is in compliance with this requirement. This finding is removed.

OBSERVATIONS

OBSERVATION 1: Safety of Inmates and Children

Inmate interviews conducted by auditors revealed that inmates have concerns for the health and welfare of their children while at the East Bay facility.

OBSERVATION 2: Staff Professionalism

Based upon interviews with CDCR staff and inmates, inferences were made that the East Bay staff do not always conduct themselves in a professional manner.

OBSERVATION 3: Job Training and Education

Per review of the East Bay schedule and inmate comments, there are inadequacies in both job training (application/resume’, interviews, career counseling, etc.) and education.

OBSERVATION 4: Increase in Facility Lease Rate

East Bay's monthly facility lease rate has increased from \$16,974 in 2003 to \$35,000 in 2007. The rent increased by 106 percent in only four years.

East Bay's Response:

The lease rate is consistent with commercial square footage rates in the area.

OAC Comments:

OAC cannot validate East Bay's assertion of the rate being consistent with local rates. The observation is a concern based on a 106% monthly rate increase from \$16,974 in 2002 to \$35,000 in 2008.

In addition, Contract C05.003's Line Item Budget for Facility Lease/Rent is only \$4,500 per month (\$54,000 annual budget / 12 months = \$4,500). The monthly net difference (loss) of \$30,500 requires East Bay to rely on other funding sources in order to maintain the program.

BACKGROUND

In 1978, the CPMP was authorized by Assembly Bill 512 and currently operates under the provisions of California Penal Code, Sections 3410-3424. The CPMP reunites female inmates with their child(ren) under the age of six years by promoting substance abuse recovery, independent living, self-reliance, and community reintegration. The objective is to decrease recidivism by turning female parolees into successful law abiding citizens.

East Bay entered into contract number C05.003 with CDCR to provide structured CPMP services that would address the inmates' substance abuse issues, emotional stability, self-esteem, and employment skills. The CPMP services are provided to inmate mothers to bond with their children, to strengthen the family unit, and to promote a functioning, self-sufficient family.

Contract number C05.003 is a cost reimbursable contract for the services listed above. The contract is a renewal of contract number C00.093, which was also executed by East Bay. East Bay is situated on a main thoroughfare in an urban blight area in Oakland, California. At the facility site, East Bay owns or leases four buildings converted from apartment housing units and houses. The main facility housing the women and children under contract is an apartment style facility over 100 years old. East Bay provides additional services at this facility and other bay area locations. The Alameda County Perinatal contract provides funding for similar services, which are performed along side the CDCR women and children.

East Bay is licensed by the Department of Alcohol and Drug Programs to operate and maintain an adult residential alcohol and/or drug abuse/recovery or treatment facility, limited to 62 females and 57 dependent children of residents. Contract number C05.003 allows for 24 inmates and 36 children (with no more than two children per inmate), with a total capacity of 60 in the CPMP program.

In December 2004, the Audits Branch performed a fiscal compliance audit of the East Bay contract number C00.093, covering the period of July 1, 2002 through June 30, 2003. The Audits Branch identified four monetary findings totaling \$36,080. In addition, there was a non-monetary finding identifying weak accountability over food stamps and Temporary Assistance for Needy Family (TANF), and one internal control weakness observation.

FINDINGS AND RECOMMENDATIONS

FINDING 1: Facility Safety and Oversight

East Bay did not properly maintain the CPMP facility that houses the women and children. As a result, the women and children were exposed to safety hazards and had to be temporarily transferred to other CPMP and FFP facilities until the necessary repairs were completed.

The Audits Branch identified the following during a September 19, 2007, tour of the facility.

Electrical hazards and smoke alarms: Many electrical outlets were missing faceplates. One was taped over. Dozens of outlets at a child's level did not have child proof socket protection. An inmate had a sheet pinned over a light fixture. Many smoke alarms were missing and others were in questionable working condition.

Children's playground area: There were multiple hazards, including loose bricks and rocks, and loose rubber playground tiles creating tripping hazards. There were unkempt areas where bikes and toys were unsecured and stored with trash or other debris. From the roof, several feet of sharp metal flashing was nearly dislodged and ready to fall on the playground area.

Living area hazards: Cabinet doors and dresser drawers were broken and/or missing; meat/fish/shellfish were unattended for hours in water on a counter to defrost; TV/cabling wires were accessible to children and pose a "pull down" or choking hazard; there was mold in the bathroom.

Storage areas: Bathroom tubs used for storage were filled with various items; an unlocked indoor storage room contained rat traps, a moldy wall, and a lawn mower; pots and pans were stacked on the floor in a door-less room.

Please see the photos in the Attachment section of this report.

In order to minimize the CPMP residents' exposure to the safety hazards, the WCSU transferred them to other CPMP and FFP programs on October 11, 2007.

According to the contract, East Bay must be licensed by the DADP to provide program services. On October 11 and October 12, 2007, the DADP inspected the East Bay facility. The DADP identified nine class B violations, four class C violations, and three other licensing violations. Class B violations require correction within 10 days, and class C deficiencies have to be fixed within 30 days.

Some of the deficiencies noted by the DADP include:

1. Staff and residents' TB tests were not renewed annually.
2. Residents' confidential records were not always secured, which is a violation of Title 42 - Code of Federal Regulations.
3. There was insufficient staff certified in First Aid and CPR to provide 24-hour coverage for the facility.
4. Clean linen, blankets, and bed sheets were not always available.
5. Bathing facilities were not maintained in safe and sanitary conditions.

East Bay fixed the deficiencies noted above, and the CPMP residents were returned to the facility on November 2, 2007. It is important to note that East Bay did not have an effective facility maintenance program in place.

Criteria:

Per Penal Code, Section 3411, "...the Department shall have as a prime concern the establishment of a safe and wholesome environment for the participating children."

Contract number C05.003:

- Scope of Work, Exhibit A, D. Role of the Contractor, page 10, "The Contractor must be licensed by the DADP to provide program services." To maintain its DADP license, East Bay is required to comply with DADP's facility standards.
- Scope of Work, Exhibit A, D. Role of the Contractor, 4. Administrative Policies and Security Requirements, q. Fire Safety, ii, page 21, requires: "The appropriate placement of fire extinguishers throughout the facility and documented monthly safety inspections completed by staff," and item v. page 21, requires: "Placement of smoke detectors throughout the facility in key areas such as administration, kitchen, laundry, inmate housing, childcare rooms, classrooms, maintenance room and any other areas required by and consistent to the mandate of the local fire department or the Office of the Fire Marshall."

Per Program Directive D-4, Child Safety, "Each facility must provide a safe, clean, and stimulating environment in the daycare room. Staff must follow accepted child safety guidelines. The space must be made 'childproof.' This includes securing large or heavy items of furniture to the floor or walls so those furnishings cannot fall on a child. All electrical sockets must have safety devices in place to prevent shock or electrocution. Medicines and hazardous materials such as cleaning compounds must be stored in locked cabinets."

Recommendations:

Comply with facility standards as outlined in the contract, program directives, and the California DADP's licensing and certification standards.

Implement a facility preventative maintenance program.

FINDING 2: Security

East Bay's security procedures do not comply with the CDCR's and contract's security requirements. The inadequate security procedures could expose residents, visitors and/or the surrounding communities to safety and security risks.

1. There is inadequate supervision of visitors. During the audit, the auditors observed two instances in which visitors were not supervised by facility staff or a resident. One visitor was seen in the playground area without staff present. Two visitors were observed waiting for a resident in a hallway near the dining area with no staff in sight.
2. Facility access is not adequately controlled. The Audits Branch reviewed the December 2007 sign in/sign out logs and identified missing information, such as eight inmate signatures, nine staff signatures, and nine return dates and times.

An auditor rang the front door bell on December 10, 2007. A resident answered the door and let the auditor in. There was no staff present. The resident escorted the auditor through the hallway and left the doors open. The auditor had to close the doors behind him.

A second side door had its deadbolt lock moved higher, out of the reach of young children. However, the lock is still low enough for a tall child to unlock the door. CPMP children may not be able to reach the lock, but the older children from other programs can reach the lock. For example, the Alameda County program operated from the facility allows children up to eight years old.

All first floor windows have metal bars, but the windows open to allow easy access to the street for potential contraband exchange.

3. Tools are not secured properly. Tools were kept in an unlocked drawer in the staff office.

East Bay's procedures for lost tools are inadequate. According to a September 12, 2007, memorandum from the East Bay Operations Manager, "If you are unable to locate the lost knives you must inform [staff's name] via email at the time of occurrence" The proper procedure is to notify key staff by phone and an immediate search of the resident be performed.

Criteria:

Contract Number C05.003:

- Scope of Work, Exhibit A, D. Role of the Contractor, 1. Administrative Services, page 11: "iv. The Contractor must provide supervision and maintain staffing levels, necessary to carry out program objectives and to maintain the safety and security of the facility and community as described in this Agreement."

Department Operations Manual, Chapter 5 - Custody and Security Operations:

- Per ARTICLE 18 — TOOL CONTROL, 52040.9 Loss of Tools: “The loss of any tool(s) shall be immediately reported by telephone to the captain of the facility and the department heads concerned, prior to releasing inmates back to their respective quarters. The inmates shall be given an unclothed body search and the work area shall be searched. A ‘Loss of Tool Report’ shall be prepared immediately by the staff person discovering the missing tool.”

Recommendations:

East Bay should review security operations with the WCSU custodial staff and incorporate increased oversight controls.

FINDING 3: Program Records and Documentation

East Bay’s documentation procedures and program records are inadequate and unreliable. This could compromise the residents’ and/or the surrounding community’s safety and security by resulting in inaccurate assessments of the residents’ individual needs and programming progress, causing East Bay staff to develop ineffective plans for the residents’ transition into society.

The Audits Branch noted the following deficiencies during the review of East Bay’s program records and procedures:

1. The Daily Count Sheets did not accurately reflect a resident’s status. The Daily Activity Reports for July 11, 12, 14, 15, and 16, 2006, showed that a resident was staying at the Children’s Hospital in Oakland with her twin babies. However, the Daily Count Sheets for those days did not reflect that the resident was staying outside the East Bay facility.
2. East Bay’s method for counting residents could be manipulated by the residents. During the audit, the Audits Branch observed East Bay staff conducting a resident count. East Bay’s staff would call out the resident’s names and mark the daily count sheet after listening for a response from the resident. The staff person did not look up to confirm that the response came from the correct resident, and no physical count of the residents was performed.
3. East Bay gave a resident credit for classes that she did not attend. The auditors reviewed the resident’s class attendance records for June 26 through July 18, 2007. The resident was given credit for attending 13 sessions; however, the classes’ sign in logs showed that the resident attended only five sessions.
4. Thirty five percent of CDCR’s residents did not attend classes or were unaccounted for. The auditors reviewed group sign in sheets for 21 classes held in May, August, and September 2007. East Bay had an average daily population of 24, which should have resulted in a total of 504 residents signing in (21 classes X 24 residents). The auditors were able to account for 329 residents

(224 sign-ins plus 105 excused absences), leaving 175, or 35 percent of the residents (175 divided by 504) unaccounted for.

According to a resident interviewed by the auditors, "...inmates sign in for classes and take off from the group." This means that the number of unaccounted residents could be higher than 35 percent.

5. Child Enrichment student attendance sheets reflect attendance that never occurred. For example, a child's name was signed-in for Child Enrichment classes on July 9 and July 10, 2007, but the child was in the hospital during those days. Furthermore, the sign-in sheets show that the same child participated in nine Child Enrichment sessions during the period of June 18 through June 22, 2007, even though medical records show that the child was quarantined during that period.

Another child was listed as attending Child Enrichment classes on July 10, 11, and 12, 2007. The child was in the hospital during that time and could not have attended the Child Enrichment sessions.

6. Significant events were not documented in the residents and children's files and the Daily Activity Reports. For example, a 21-month old child's hand was caught in a rat trap on August 15, 2006. There was no record of this incident in the child's file. East Bay could not locate the Daily Activity Report for August 15 and 16, 2006, to determine what action was taken by East Bay in response to the incident.

The same child's file documented an incident where she was dropped on the pavement on San Pablo Avenue by her mother in January 2006. The log indicated that the mother had been placed on a 72 hour observation period when the incident occurred. There were no Incident Reports, Daily Activity Reports, medical treatment documents, or monthly reports referencing the incident documented in the mother's file.

Another significant event not documented on the Daily Activity Reports was a chicken pox outbreak. The Alameda County Health Care Services Agency - Public Health Department quarantined the East Bay facility due to a varicella (chicken pox) outbreak. East Bay was unable to provide the auditors with a Daily Activity Report documenting the outbreak. During the chicken pox outbreak, East Bay took the CDCR residents on two public outings.

Criteria:

Contract number C05.003:

- Scope of Work, D. Role of the Contractor, 1. Administrative Services, c. Record Keeping, page 12, states: "The Contractor shall maintain complete case files that are to be located in a secure file storage area within the facility."
- Scope of Work, D. Role of the Contractor, 2. Treatment Services, b. Individualized Treatment Plans, page 14, states: "...the principal goals of

individualized case planning are to monitor program progress and plan an effective transition from CPMP into the community for both mother and child(ren) including recovery programs (service programs for children). The Contractor will monitor inmate progress during treatment and confer regularly with DCR staff concerning retention in the CPMP program and placement in community programs.”

- Scope of Work, D. Role of the Contractor, 2. Treatment Services, d. CPMP Programming, pages 14-15, states: “It is the responsibility of the Contractor to adequately address the needs of the project residents, and to ensure integrity of the project and continuity of services.”
- Scope of Work, D. Role of the Contractor, 4. Administrative Policies and Security Requirements, e. Daily Facility Activity Logs, page 19, states: “...all unusual activity must be documented on the Daily Activity Report (Exhibit A.2) and must be faxed daily to the WCSU no later than 9:00 a.m.”

Per Scope of Work, D. Role of the Contractor, 4. Administrative Policies and Security Requirements, f. Inmate Counts, page 19, “Inmate counts must be conducted at least four times daily, (refer to Title 15, Section 3274) and documented on the Daily Movement Sheet (Exhibit A.1).”

Recommendation:

Document significant events and update all necessary client file information.

Implement policies and procedures to ensure the accuracy of information included in the reports and residents’ files.

FINDING 4: Staffing and Administrative Requirements

East Bay did not comply with the contract’s staffing and administrative requirements.

According to an October 18, 2007, DADP inspection report, nine staff’s personnel files did not contain current First Aid and CPR training documents, five employees did not have a renewed TB test, and two employees’ personnel records did not contain a health screening report.

Auditors did not find records of the required annual training.

Monthly reports were not submitted to WCSU. According to East Bay’s Division Director, WCSU has not requested monthly reports since he first started with East Bay 14 years ago.

Although out of compliance when the Audits Branch began their initial testing, East Bay has completed the required 10 and 30 day corrections required by DADP. East Bay has also started submitting monthly reports following the auditors’ disclosure of this deficiency.

However, East Bay is still out of compliance with:

- Transportation of inmates
- Adequate Daily Activity Reports
- Annual treatment protocols training for contractor staff

Criteria:

Area	Criteria
CPR Training	C05.003, D. Role of the Contractor, first paragraph (contractor must comply with DADP policy).
Annual TB Test	C05.003, Exhibit D, 25. Tuberculosis (TB) Testing, page 9
Training	C05.003, Exhibit A, D. Role of the Contractor, 1. Administrative Services, b. Training/Cross Training, page 12
Monthly Reports	C05.003, Exhibit A, D. Role of the Contractor, 1. Administrative Services, d. Program Reports, page 12
Daily Facility Activity Logs and Daily Activity Report	C05.003, Exhibit A, D. Role of the Contractor, 4. Administrative Policies and Security Requirements, e. Daily Facility Activity Logs, page 19
Department of Alcohol and Drug Programs Reports	California Code of Regulations, Title 9, Rehabilitation and Developmental Services, Division 4, Department of Alcohol and Drug Programs, Chapter 5 Licensure of Residential Alcoholism or Drug Abuse Recovery, Subchapter 3, Compliance Requirements

Recommendations:

East Bay should continue with incorporating the changes they have made in adopting policy compliance.

East Bay should implement a checklist with deadlines of required reports, training, and certification.

Reports should be thorough and submitted to WCSU in a timely manner.

FINDING 5: Contract Programming Requirements

East Bay did not comply with the contract's programming requirements. For example:

Non-CDCR participants were watching CDCR residents' children, which is a violation of the October 2005 policy letter from the Chief of WCSU. The Audits Branch found a document in East Bay's records describing an encounter between a CDCR resident and an Alameda County Perinatal Unit resident. The encounter indicates that the Perinatal Unit resident was watching the CDCR resident's child. In addition, the September 2007 Mothers Supporting Child Enrichment for the Day schedule shows that on average, two Alameda County Perinatal Unit residents watch CDCR residents' children per day, five days per week.

Criteria:

The Policy Letter dated October 2005, from WCSU to East Bay, states: "The delegation of child supervision appears to be a viable means to maintaining the integrity of the program. In this situation, only CPMP mothers shall be designated the responsible person to supervise another CPMP mother's child. In no circumstances shall non-CDCR mothers supervise a CDCR mother's child, and visa versa."

Recommendations:

Ensure that CDCR residents' children are supervised by East Bay staff or CDCR's residents.

OBSERVATIONS AND RECOMMENDATIONS

OBSERVATION 1: Safety of Inmates and Children

Inmate interviews conducted by the Audits Branch revealed that inmates have concerns for the health and welfare of their children while at the East Bay facility. The auditors interviewed four inmates with children in the program. Three of the four inmates have been in the program for more than one year. Listed below are some of the inmates' comments:

- (She) had a broken dresser that East Bay finally removed two months later.
- When inmate x first arrived in 2005, there were significant facility problems, but things are getting better with the renovation.
- The facility is in a tight area that is much too crowded, and it is not a nurturing environment for her son.
- The age gap between the CDCR clients (5 and under) and the Alameda County Peri-natal clients (up to 8 years old) is too high.
- The area is not conducive for a healthy recovery and raising a child, as she often sees and smells people on the street doing drugs while walking her son to school.
- (My) child was one of the CDCR kids hurt during an altercation with an Alameda County Perinatal clients' child.
- Inmate x heard about the horror stories with the rats, but did not see any herself.
- There is mold in bathrooms and living quarters, and her shower door has been broken for two weeks. She put in numerous work order requests but nothing gets fixed.
- There are many children with asthma problems.
- There was an incident in which her child was knocked to the ground by a child's swing set, which struck the back of her head. It was reported to the Evening Counselor who advised her to put ice on the affected area of the injury.
- Inmate x stated that a shower door is broke in her bathroom, and several work order requests have been submitted without repair or notification of repair. She is worried about the door falling off and injuring her child.
- The rats were sewer rats as big as Chihuahuas, but the infestation has stopped.
- Inmate x is concerned about the health of her child and talked about children biting, falling down, scratches, scars, etc.
- Inmate x referenced "what happened in San Diego that was in the papers," and said since that time, "... it has been easier to obtain medical help. East Bay is now good about letting the participants call the advice nurse for help."

Criteria:

Per Penal Code, Section 3411, states in part, "...the department shall have as a prime concern the establishment of a safe and wholesome environment for the participating children."

To maintain its DADP license, East Bay is required to comply with DADP's facility standards.

Recommendations:

Comply with facility standards as outlined in the contract, program directives, and the California Department of Alcohol and Drug Programs' licensing and certification standards.

Implement a facility preventative maintenance program.

OBSERVATION 2: Staff Professionalism

Based upon interviews with CDCR staff and inmates, statements were made that the East Bay staff does not always conduct themselves in a professional manner. Inferences were made towards the staff's demeanor, attitude, clothing, and inconsistencies in regards to the treatment of the residents.

The prior Correctional Counselor II stated that her two main concerns were the facility conditions and staff professionalism. Inmate interviews included the following comments:

- The recovery dynamics class was poor. Inmate x's impression was the counselor was going through the motions because she had to, and the class showed the same boring movie over and over.
- Inmate x's biggest concern was the lack of respect staff showed the participants.
- Inmate x would like to see an improvement in the staff's discipline procedures such as reducing the use of threats, providing mediation, and showing more professionalism. She also mentioned the inconsistencies in staff dealing with roll-calls, disgruntled women, and inmates that sign-in for classes and "take-off" from the group training.
- Recovery groups are inconsistent, especially when there is a staff shortage. During staff shortages, there is a sense of "we're busy, we can't help you." Staff sensitivity training has been provided, but only helps for a short period of time.

Criteria:

WCSU Program Directive – Section Number B-03 – Policy Statement: "Employees shall maintain a professional attitude in all dealings with residents assigned to, housed at, or formerly housed at a CPMP/FFP facility, and their family and friends."

Recommendations:

Continue to work closely with WCSU's new on-site CCIII in regards to oversight of the facility, its residents, and its operations.

OBSERVATION 3: Job Training and Education

Penal Code, Section 3412 and the contract (required classes are listed on page 16) state that an important component of the CPMP is transitional support, which includes employment and vocational training and General Educational Development (GED) preparation. The East Bay program schedule and inmate interviews pointed out weaknesses in these services:

Inmate interviews included the following comments:

- Although inmate x is “phased up” in the program, she is still unable to support herself. There are no GED support classes available. She was only given a book to study.
- There are no job skills or pre-release classes offered. Inmate x stated that there is plenty of treatment training and groups, but no after care support or training.
- Inmate x mentioned that areas in which she felt there could be improvement were in providing more tools for education, increasing the number of staff, offering job training classes, and additional life skill classes.
- Inmate x - scheduled to leave soon - had not received any kind of transitional program training. Inmate x put in a proposal to add resume preparation and job training to East Bay’s administration, but she did not receive a response.

Criteria:

Contract number C05.003:

- Scope of Work, D. Role of the Contractor, 2. Treatment Services, b. Individualized Treatment Plans, page 14, states: “...the principal goals of individualized case planning are to monitor program progress and plan an effective transition from CPMP into the community for both mother and child(ren) including recovery programs (service programs for children). The Contractor will monitor inmate progress during treatment and confer regularly with DCR staff concerning retention in the CPMP program and placement in community programs.”
- Scope of Work, D. Role of the Contractor, 2. Treatment Services, d. CPMP Programming, pages 14-15, states: “It is the responsibility of the Contractor to adequately address the needs of the project residents, and to ensure integrity of the project and continuity of services.”

Recommendations:

In order to meet the contract’s requirements, East Bay should ensure that:

- Classes required by the contract are available.
- The number of class hours required each week is available.
- Residents are attending the classes that are being provided.
- Transitional planning is completed for each resident.

OBSERVATION 4: Facility Lease Rate Increase

In July 2002, which was the start of the East Bay CPMP contract, the monthly facility lease rate was \$16,974. The monthly lease increased to \$18,008 in 2005. The CPMP contract was renewed in July 2005, and the new monthly lease rate increased to \$25,000 for the first year. East Bay negotiated the monthly rate down to \$22,500 for the first four months; however, the monthly rate eventually increased to \$35,000 in July 2007. The \$35,000 monthly rate will remain in effect until the end of the contract in June 2010. The annual lease budget in the contract is \$54,000, or \$4,500 per month. This results in a loss of \$30,500 per month for East Bay.

In spite of improvements made to the facility by East Bay, the lease rate represents a 106 percent increase in only four years (July 2003 to July 2007). East Bay is particularly vulnerable due to the differential between lease revenue and expenses. Regarding future planning, the right of first refusal to buy the property expired on December 31, 2007. The owner could sell the property to another at the end of the lease. This would require East Bay to relocate should they be awarded a contract renewal. The rate could increase even higher, without consequence to the land owner.

Criteria:

Commercial lease agreement between Mead Avenue Housing Associates (Leaser) and East Bay Community Recovery Project (Leasee) dated, June 21, 2005, spells out the above-mentioned terms of the monthly lease rates.

Recommendation:

The above is informational only, which should be presented by the lessee (East Bay) to Mead Avenue Housing Associates (leaser) in future lease negotiations.

GLOSSARY

CCII	Correctional Counselor II
CCIII	Correctional Counselor III
CDCR	California Department of Corrections and Rehabilitation
CPMP	Community Prisoner Mother Program
CPR	Cardiopulmonary Resuscitation
DADP	Department of Alcohol and Drug Programs
DCR	Department of Corrections and Rehabilitation (now CDCR)
East Bay	East Bay Community Recovery Project
FFP	Family Foundations Program
FY	Fiscal Year
GED	General Educational Development
OAC	Office of Audits and Compliance
CTQ	Confined To Quarters
TANF	Temporary Assistance to Needy Families
TB	Tuberculosis
WCSU	Women and Children Services Unit